

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

100 MAR 10 P W C2

UNITED STATES OF AMERICA

v.

RICHARD W. WETTING
CLERK
U.S. DISTRICT COURT
N.D. DIST. OF CALIF.

CRIMINAL COMPLAINT

Steven ESTRADA-Martinez

E-FILING 08-70136 RS
CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, June 21, 2007, in Santa Clara County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

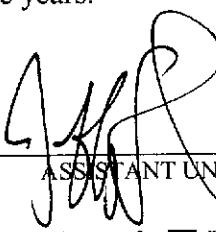
in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
Official Title
facts:

SEE ATTACHED AFFIDAVIT

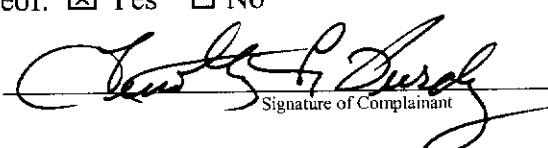
PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: Yes No


Signature of Complainant

Sworn to before me and subscribed in my presence,

3/10/08

Date

at San Jose, California

City and State

Nandor J. Vadas
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer



Signature of Judicial Officer

DOCUMENT NO	CSA's INITIALS
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DISTRICT COURT CRIMINAL CASE PROCESSING	

A 98 409 033

RE: Steven ESTRADA-Martinez

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Steven ESTRADA-Martinez (AKA: Alejandro ESTRADA), is a 23 year-old single male whose Date of Birth is currently understood to be 12/11/1984. He is a citizen and native of Veracruz, Mexico as substantiated by sworn statements made to that effect by the DEFENDANT on both June 21, 2007 and March 3, 2008;
- (2) The DEFENDANT has been assigned Alien Registration number of A 98 409 033, FBI number of 360682VB6, and California Criminal State ID Number of A23352485;
- (3) On June 18, 2003, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offense of: ASSAULT ON A SPECIFIED PERSON, a Misdemeanor, in violation of California Penal Code Section 240/241 (b) for which the DEFENDANT was sentenced to twenty days in jail and probation;
- (4) On September 5, 2003, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offense of: THEFT OF A VEHICLE, a Misdemeanor, in violation of California Vehicle Code Section 10851(A) for which the DEFENDANT was sentenced to fifty-seven days in jail;
- (5) On March 22, 2004, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offense of: USING OR BEING UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE, a Misdemeanor, in violation of California Health & Safety Code Section 11550(a) for which the DEFENDANT was sentenced to four months in jail and probation.
- (6) On August 13, 2004, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offense of: VEHICLE THEFT W/ PRIOR CONVICTION, a Felony, in violation of California Vehicle Code Section 10851(A) for which the DEFENDANT was sentenced to sixteen months in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(G);

RE: Steven ESTRADA-Martinez

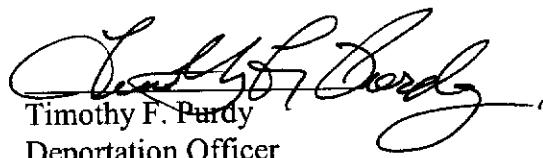
A 98 409 033

- (7) On June 2, 2005, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offense of: CARRYING A DDIRK OR A DAGGER CONCEALED ON THE PERSON, a felony, in violation of California Penal Code Section 12020(a)(4), WITH ENHANCEMENTS pursuant to PC 186.22(b)(1)(A) for which the DEFENDANT was sentenced to nine months of jail;
- (8) On September 2, 2006, the DEFENDANT was determined to be unlawfully present in the United States and ordered removed from the United States by order of the Immigration Judge San Francisco, California to Mexico;
- (9) On June 28, 2007, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offense of: PROBATION VIOLATION, a felony, in violation of California Penal Code Section 3056 for which the DEFENDANT was sentenced to sixteen months in jail;
- (10) On, June 21, 2007, the DEFENDANT was encountered by IEA John Ramirez, at Santa Clara County Jail, and determined to be unlawfully present in the United States after a prior deportation. IEA Ramirez read the DEFENDANT of his Miranda rights in the Spanish language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportations, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States;
- (11) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (12) On March 3, 2008, the DEFENDANT'S fingerprints were taken as part of the standard booking procedure at DRO/ICE San Jose. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with fingerprints of Steven ESTRADA-Martinez (A#98 409 033) on official documents in his Administrative File. The latent print examiner determined that the fingerprints were identical and related to Steven ESTRADA-Martinez (A#98 409 033).

RE: Steven ESTRADA-Martinez

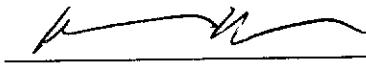
A 98 409 033

(13) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 10th day of March, 2008



Nandor J. Vadas
UNITED STATES MAGISTRATE JUDGE